

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHNNY ANDREW MOORE,
Plaintiff,

v.

S. HATTON, et al.,
Defendants.

Case No. 17-03696 BLF (PR)

**ORDER STRIKING AMENDED
COMPLAINT AND DIRECTING
CLERK TO FILE INTO OPEN CASE**

(Docket No. 40)

Plaintiff, a California inmate, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983, against officials at the California Training Facility. Dkt. No. 1. On June 26, 2020, the Court granted Defendants' motion to dismiss and entered judgment the same day. Dkt. Nos. 32, 33. Plaintiff filed a notice of appeal on September 1, 2020. Dkt. No. 37. Accordingly, this matter is now before the Ninth Circuit on appeal. Dkt. No. 39.

On October 16, 2020, Plaintiff filed an amended complaint in accordance with a court order granting him leave to amend. Dkt. No. 40 at 1. Plaintiff continues to confuse this closed matter with another action filed as *Moore v. Hatton*, et al., Case No. 20-1445 BLF (PR). In that case, the Court screened the complaint, which was removed to this Court by Defendants, and dismissed the complaint with leave to amend on July 7, 2020. *Id.*; Dkt. No. 7. The amended complaint filed in this action should be filed in the more

1 recent, open action. Accordingly, the Clerk shall strike the amended complaint from this
2 matter, and refile it under *Moore v. Hatton*, et al., Case No. 20-1445 BLF (PR).

3 **Plaintiff is against advised that the only open case that he has in this Court is**
4 **Case No. C 20-01445 BLF (PR), and any filings in that matter must include Case No.**
5 **C 20-01445 BLF (PR) and not Case No. 17-03696.**

6 **IT IS SO ORDERED.**

7 **Dated: _November 2, 2020_____**



BETH LABSON FREEMAN

United States District Judge

United States District Court
Northern District of California